

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS CARRILLO-MENDEZ,

Defendant.

NO. CR-05-126-RHW-2

**ORDER GRANTING THE
GOVERNMENT'S MOTION TO
DISMISS COUNTS WITHOUT
PREJUDICE**

Before the Court is the Government's Motion to Dismiss Counts Without Prejudice (Ct. Rec. 1105). The motion was heard without oral argument. Pursuant to the plea agreement, the Government moves to dismiss without prejudice counts 4-10, 12-16, 18, 21, 24-26, 28, 31, 32, 34, 36-38, 40-44, 56-58, 65, 74, 75, 83, 90-93 alleged in the Superseding Indictment.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Government's Motion to Dismiss Counts Without Prejudice (Ct. Rec. 1105) is **GRANTED**.

2. The following counts are **dismissed** without prejudice:

- a. Counts 4, 6, 7, and 9, charging Defendant with Distribution of a mixture or substance containing a detectable amount of Cocaine, in violation of 21 U.S.C. § 841(a)(1);
- b. Counts 5 and 12, charging Defendant with Distribution of five (5) grams or more of "actual" Methamphetamine, in violation of 21 U.S.C. § 841(a)(1);
- c. Counts 8, 10, 13, 14, and 15, charging Defendant with Distribution of fifty (50) grams of more of "actual" Methamphetamine, in violation of 21

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1 U.S.C. § 841(a)(1);

- 2 d. Count 16, charging Defendant with Possession with Intent to Distribute
3 five hundred (500) grams or more of a mixture or substance containing
4 Cocaine, in violation of 21 U.S.C. § 841(a)(1);
- 5 e. Count 18, charging Defendant with Possession with Intent to Distribute a
6 mixture or substance containing a detectable amount of Cocaine, in
7 violation of 21 U.S.C. § 841(a)(1);
- 8 f. Counts 21, 24, 25, 26, 28, 31, 32, 34, 36, 37, 38, 40, 41, 42, 43, 44, 56, 57,
9 58, 65, 74, 75, 83, 90, 91, and 92, charging Defendant with Use of a
10 Communication Facility to Facilitate a Title 21 Drug Felony Offense, in
11 violation of 21 U.S.C. § 843(b); and
- 12 g. Count 93, alleging criminal forfeiture against Defendant, pursuant to 21
13 U.S.C. § 853.

14 **IT IS SO ORDERED.** The District Court Executive is hereby directed to enter
15 this Order and to furnish copies to counsel.

16 **DATED** this 27th day of November, 2006.

17 *s/ Robert H. Whaley*

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19 ROBERT H. WHALEY
Chief United States District Judge

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